

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL MARK DAVIS,

Defendant.

CASE NO.CR01-0031

**AMENDED** PROPOSED FINDINGS OF  
FACT AND DETERMINATION  
AS TO ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on September 16, 2005. The United States was represented by Donald Currie, the defendant was represented by Jesse Cantor. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been convicted of Bank Fraud on or about December 14, 2001. The Hon. Barbara J. Rothstein of this court sentenced defendant to fifteen (15) months of confinement, followed by five (5) years of supervised release.

The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

ALLEGED VIOLATIONS AND THE DEFENDANT'S ADMISSION

USPO Timothy J. Manion alleged that the defendant violated the conditions of supervised

1 release in two (2) respects:

- 2 (1) Absconding from supervision on or about March 2, 2005, in violation of standard  
3 condition;  
4 (2) Violating New Jersey state law 2C:20-8A, Theft of the amount of \$6,000, on or about  
5 March 5, 2005, in violation of standard condition.

6 .  
7 At an initial hearing, I advised the defendant of these charges and of his constitutional rights. At  
8 today's hearing defendant admitted the violation one and the Government dismissed, without  
9 prejudice, violation two, waived any hearing as to whether it occurred, and consented to having the  
10 matter set for a disposition hearing before the Hon. Ricardo S. Martinez.

11  
12 RECOMMENDED FINDINGS AND CONCLUSIONS

13 Based upon the foregoing, I recommend the court find that defendant has violated the  
14 conditions of his supervised release as alleged; and set the matter for a disposition hearing.

15 Defendant has been detained pending a final determination by the court.

16 DATED this 29<sup>th</sup> day of September, 2005.

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19 MONICA J. BENTON  
20 United States Magistrate Judge

21  
22 cc: Sentencing Judge : Hon. Ricardo S. Martinez  
23 Assistant U.S. Attorney : Donald M. Currie  
24 Defense Attorney : Jesse Cantor  
25 U. S. Probation Officer : Timothy J. Manion/Brian Rodgers  
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